

A PLEA FOR
THE DIVINE LAW
A GAINST MURDER.

BY

JOSEPH F. BERG.

PHILADELPHIA :

JAMES M. CAMPBELL, 98 CHESTNUT STREET.

NEW YORK : SAXTON & MILES, 205 BROADWAY.

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INTRODUCTORY NOTE.

THE following pages contain the substance of three discourses, addressed to the congregation under the pastoral care of the author. Apart from the general interest and importance of the subject, the discussion was forced upon him by the mistake of the Reporters for two of the most widely circulated daily journals in our city, who recorded his name in connection with a very silly speech, to the perpetration of which he felt constrained to plead not guilty.

The pamphlet of Mr. Burleigh, entitled "Thoughts on the Death Penalty," was received from a friend after the sermons on Capital Punishment had been delivered. Mr. Burleigh is regarded by the opponents of the death punishment as one of the most able champions of their cause; his book is certainly written in good spirit, and displays great ingenuity. A few notes, reviewing some of the positions assumed by that gentleman, have been appended. All that the advocates of the law against murder are concerned for is, to show its divine authority, and the notice has therefore been restricted to those points in Mr. Burleigh's book, which have immediate reference to the Bible argument.

Any attempt to refute the plea for the divine law against murder, published under a responsible name, and emanating from a respectable source, will meet with the attention which it deserves. Filthy dreamers may safely be left to foam out their own shame, and to glory in it, with no other rebuke than that which is administered by their own vileness, and the disgust of all who are not lost to the claims of decency.

J. F. B.

Greenhill, Dec. 29, 1845.

A PLEA FOR THE DIVINE LAW, &C.

C H A P T E R I.

“Ye shall take no satisfaction for the life of a murderer, which is guilty of death, but he shall be surely put to death.”—*Numbers xxxv: 31.*

OUR Saviour on a certain occasion rebuked the Pharisees and Sadducees who came tempting him to show them a sign from Heaven, and denounced them as hypocrites, because they did not attempt to discern the signs of the times. This reproof is full of meaning. The Providence of God is a book which its author opens, that it may be studied, and that its lessons and warnings may be pondered, digested, and improved. Hence the frequency with which our Lord enjoins upon his disciples the duty of watching in connection with that of prayer. They must watch, in order that they may know how to frame their petitions. No private Christian is exempt from this obligation, but it is peculiarly the duty of the ministers of the word. They are

ambassadors for Christ. Thus the prophet Habakkuk says: "I will stand upon my watch, and set me upon the tower—I will watch to see what he will say unto me."—(Hab. ii. 1.) And to the prophet Ezekiel, Jehovah says,—“Son of man, I have made thee a watchman unto the house of Israel: therefore, learn the word of my mouth, and give them warning from me.” Under the old dispensation, the Lord imparted special revelations of his will in order to meet peculiar emergencies; but under the dispensation of the spirit he confines himself to two great sources of instruction, viz: his word and his providence, which he explains by the teachings of his Spirit, in answer to believing prayer. So far, therefore, as regards the duty of carefully observing passing events, and noting their import, the suspension of extraordinary communications of the divine counsel and purpose enhances, rather than diminishes the obligation of fidelity and vigilance. If, through fear of man, or from a regard to reputation or profit, the ambassador for Christ shuns to declare God's counsel, he is not worthy of the station which he fills, or of the Master whom he professes to serve. The withering sarcasm of the great gospel prophet applies with far more pungent severity to the short-sighted, faint-hearted servants of Christ, than to the fearful and unbelieving messengers who were commanded to bear the burden of the Lord to the scornful and rebellious Jew: “His watchmen are blind, they are all ignorant, they are all dumb dogs, they cannot bark: sleeping, lying down, loving to slumber.” *Sleeping*, when they ought to be watching; *lying down*, when duty calls them to stand upon their tower; *loving to slumber*, when all hell is awake, and the crisis of the world and

the church calls upon every Christian heart to arouse, and every strong and every feeble Christian hand to do what it finds to do with its might.

We are wont to speak of the times in which we live as extraordinary, and, doubtless, we say so with reason—and yet, the peculiarity of the present crisis arises not from the operation of new principles either in the realm of light or in the kingdom of darkness, but rather from the striking developments which are flowing in a broad and deep current, forming a channel which every hour is widening. There is a mustering of the powers of darkness. There is a marshaling of the sacramental host of God. Streams of depravity which heretofore have crept in pollution along the hedges, or through ditches by the way side, or which have been fain to hide their offensive waters in the sewers prepared for their reception, are sluggishly pouring their fetid tribute into one broad river. The waters are swelling—the angry waves are rising. The floods of the ungodly are lifting up their voice. The great safeguards of society are undermined. We look on with deep solicitude, and we ask with the man of God of old, “If the foundations be destroyed, what can the righteous do?” We speak not as an alarmist. We have no sympathy with the panic-stricken spirit which crouches at the feet of danger. We raise the cry of warning, not because we wish to flee beyond the reach of peril, but that every man may take the armor of light and love and go forth prepared for duty, ready to stand in the evil day, and having done all to STAND.

Every intelligent observer of the events of the last few years is prepared to acknowledge, that whatever advance may have been made in the arts of civilization,

in the developments of science, in the progress of Christian truth, or in the general diffusion of gospel principles, there has been a gradual yet powerful manifestation of a tendency to lower the authority of law, and to defy and annul its sanctions. No wise man who knows that the existence, not to say the prosperity of all good government, depends upon maintaining inviolate the supremacy of the law and the steadfastness of the first principles, established by the legislation of the whole civilized world for thousands of years, can witness with unconcern the deliberate attempt to change the time-honored basis of its administration. That the science of law admits of improvement, we readily concede, and we say God-speed to every endeavor of just and philanthropic men to establish equity and secure the righteous demands of justice, whilst tempering the stern rigor of law with the precious balm of mercy; but when the voice of the all-wise God, who is love, has uttered its solemn fiat, when Jehovah has for ever settled a principle of law and justice, we hold that revelation to be sacred; we would lay our hand upon the rash arm that is stretched forth to amend what the finger of God has recorded; and to every man who presumes to be wise above what is written, we say in the words of Christian meekness and of Christian firmness—"Beware! God is wiser than you are—and God is love. Let his record stand. Break not the tables of stone. He is a jealous God. If his wrath be kindled but a little, ye perish from the way." This counsel applies with especial force to the effort now in progress to abolish the punishment by death. It is one of the fruits of the tendency to undervalue and undermine the sanctions and authority of law. Infidelity is the moving-

spring of this as of every other species of opposition to the divine rule. Not that every man who advocates the abolition of the death punishment is an infidel—far from it. There are those whom we cheerfully recognise and revere as among the good and great, who are found in these ranks, clamorous for the annulment of the penalty which justice awards to the murderer. This, however, does not alter the truth for which we contend. Good men may be mistaken. They may be led away by false philanthropy. They may be under the influence of prejudice ; and this is the case in the present instance. I may be admonished, that my tone is too positive—and that a more modest expression of opinion becomes me. I receive the admonition. “ Let the righteous smite me ; it shall be a kindness.” But, I cannot lower my tone. I cannot speak less positively, with such a declaration of God’s will before me as this : “ Ye shall take no satisfaction for the life of a murderer, which is guilty of death ; but he shall be surely put to death.” No ! It matters not who the *man* is, that affects to annul that penalty ; however great, however good, however wise—he is not so great, he is not so good, he is not so wise, as the glorious Author of this book. And when God has revealed his holy will and established a principle of law, who shall presume to erase it ? Who is this that darkeneth counsel, by words without knowledge ? God has uttered his voice, and dost thou, poor child of yesterday, venture to contradict him ? “ Vain man would be wise, though he be born like a wild ass’s colt.” Go learn humility—know that the foolishness of God is better than the wisdom of angels—oh ! how much better than the ignorance and presumption of men !

Infidelity stands confessed as the parent of this daring attempt to abrogate the divine enactment. We have admitted that good men are found favoring the movement; but we are far from conceding that the array of such characters is large or imposing. There are usually more Infidels, more Atheists, more Deists, more Universalists, more who are not professing Christians, more who are not in actual connection with any of the leading evangelical churches, than there are sober, staid, order-loving, and consistent Christian men to be found in the assemblies of the friends of this measure. If we are asked who are the professed ministers of Christ who sanction these conventions by their presence, the answer is, in most instances, they are Universalists. Men—*ministers* can we call them?—who make it their official business to echo the falsehood of the father of lies, in Paradise—“Yea, hath God said, ye shall not eat of every tree of this garden? * * Ye shall not surely die!” It is altogether consistent, that men who abrogate the awful penalty of the divine law, should attempt to erase from every human statute book the penalty of death! We marvel not at this. We complain not of any inconsistency. It is all of one piece—an old garment patched with old cloth—but we own we are grieved when we see names associated with them which are worthy of better fellowship.

We regard the abettors of the attempt now making to annul the statute, by which the penalty of death is awarded to the murderer, as political Universalists. Their position in the political world is parallel with that of the enemies of divine justice and holiness, in the sphere of religion. The mercy which they commend and extol is a libel upon genuine benevolence. We

confess we have but little patience with its professions of lofty charity or philanthropy. It throws reproach and odium upon the Bible, and it virtually charges God with cruelty. It impeaches the order of his providence. If the arguments of the enemies of Capital Punishment are sound, we are at a loss to reconcile with their ideas of mercy, the operation of that law, by which it is appointed unto all men once to die. The slow, lingering process of disease—the violent paroxysms of bodily anguish which often precede the consummation of mortal sickness—the protracted misery and pain enduring for months, and often for years, wasting the vital energies, and destroying life as it were by inches, are far more terrible than the momentary suffering of the malefactor, whose life is forfeited on the gallows. Why does God appoint these months of suffering? Not only because afflictions are necessary to wean us from this world and make us long for a better, where there is no more sickness, nor pain, nor any more death; but to testify that sin is the abominable thing which He hates. The pangs, the agony and strife of death, are the common heritage of man;—irrespective of moral or religious character, death passes upon all men, for that all have sinned. Now, if God, who is love, has not annulled this penalty, even in the case of those whose guilt is cancelled by the blood of the atonement; if his character for righteousness and mercy remains untarnished and unimpeachable, though the whole creation travileth and groaneth together in pain; on what principle of sound argument may that statute in his law be branded as barbarous, which demands the life of the murderer as the price of the transgression of the precept which says to man, THOU SHALT NOT KILL?

On this point the law of God is peremptory. The more honest and intelligent of the enemies of Capital Punishment acknowledge this. They are prepared to concede at once, that the law of Moses required that the murderer should be put to death ; but they contend that the gospel, and the direct precepts of our blessed Redeemer, have virtually abrogated this penalty, and that, in the progress of human refinement, pure and enlightened philanthropy loudly demands the total abolition of the punishment by death. It is indeed not easy to understand how an honest man can deny the explicit testimony of the Jewish law. Under that dispensation cities of refuge were appointed, into which the man-slayer, who had inadvertently killed his neighbor, might flee as a place of safety against the avenger of blood. The distinction is drawn in detail between the case of one who kills a person unawares, and that of him who deliberately aims the blow which deprives his victim of life. Not content with the enactment of a statute involving the general principle, the law enters into particulars, and defines the various modes of violent death, which it condemns and punishes as murder ; and after each specification, reiterates its decree. “ If he smite him with an instrument of iron, so that he die, he is a murderer ; the murderer shall surely be put to death ; and if he smite him with throwing a stone, wherewith he may die, and he die, he is a murderer ; the murderer shall surely be put to death. Or if he smite him with a hand weapon of wood, wherewith he may die, and he die, he is a murderer ; the murderer shall surely be put to death.” Again, as if this definition had not been sufficiently

close, it was farther enacted: "If he thrust him of hatred, or hurl at him by lying of wait, that he die, or in enmity smite him with his hand, that he die; he that smote him shall surely be put to death, for he is a murderer." Nor is this all—a summary of the law is given at the close of these statutes. "So these things shall be for a statute of judgment unto you throughout your generations in all your dwellings. Whoso killeth any person, the murderer shall be put to death by the mouth of witnesses; but one witness shall not testify against any person to cause him to die. Moreover, ye shall take no satisfaction for the life of a murderer, which is guilty of death; but he shall be surely put to death. So ye shall not pollute the land wherein ye are: for blood defileth the land; and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it. Defile not therefore the land which ye shall inhabit, wherein I dwell; for I, the Lord, dwell among the children of Israel."—Numb. xxxv.

Here, then, I ask, is it possible for language more clearly to express the meaning of a law? Who that reads the 35th chapter of Numbers, will hesitate to acknowledge, that under the Jewish dispensation, the law required that the murderer should surely be put to death? Let this one passage suffice as an answer to those who pretend that there is no such enactment in the Old Testament; although it may be well to remember, in passing, that substantially the same law had been given to Noah after the deluge, when Jehovah said,—"Surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother, will

I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God made he man."

It is proper to state in this connection the self-evident truth, that the extreme penalty of the law should not be inflicted on any criminal who has committed no offence to which God's law has adjudged the punishment of death. That great injustice and wanton cruelty have often been perpetrated under the sacred name and mantle of the law is undenialble. In past centuries, owing to the horrid influence of the Papal despotism, and the wanton disregard of human life, which all Europe witnessed under the modern Babylonish captivity, a bondage far more frightful than its type under the Old Testament—under the yoke of that woman, drunken with the blood of the Saints and of the martyrs of Jesus, human life was a toy with which capricious tyrants sported at their pleasure. It is recorded that, during the reign of Henry VIII., 72,000 persons were punished by death in England, i. e. about 2000 every year. Blackstone himself declares that, in his time, there were no less than one hundred and sixty different species of crime, to which the punishment of death was awarded by law! Such legislation we all acknowledge to be a cruel mockery of justice. A code like this would excite less disgust, if confined to the day of the Spartan Draco, who affixed but one penalty to every transgression, and adjudged every offence to be worthy of death. We are ready to hold the memory of those true friends of humanity blessed, who have labored for the reformation of such barbarous legislation; but we cannot admit that the abuse of the extreme penalty of the law justifies its total abrogation. The crime of

murder stands out on God's statute book as the great offence, for which nothing will atone but the blood of the transgressor; and we trust that the law of every Christian nation will ever be an echo of the statute of Jehovah, “the murderer shall surely be put to death.”

It is asserted, however, by the advocates of the abolition of this statute, that the law of Moses was in fact repealed by the teachings of our Saviour; and they appeal to such passages as these in the Sermon on the Mount:—“Ye have heard that it hath been said, an eye for an eye, and a tooth for a tooth, but I say unto you, that ye resist not evil, but whoever shall smite thee on thy right cheek, turn to him the other also.” And again: “Ye have heard that it hath been said, thou shalt love thy neighbor and hate thine enemy. But I say unto you, love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute, &c.” In reply to the objections based upon these words, it is sufficient to remind the reader, that they were not intended to apply to the administration of public justice, but to the adjustment of private injuries. The Jews were vindictive—not more so, however, than all men are disposed to be until subdued by the power of divine grace. The old Jewish law confined the retribution which an offender had merited within the bounds of equity, and by proportioning the penalty to the offence, imposed a curb upon the propensity to revenge. Our Saviour inculcates forgiveness of injuries, and enjoins upon men, in their private intercourse, to abstain from vindictive retaliation, and even to forego a legal right to reparation, when the injury is altogether personal. How preposterous is

the idea, that our Lord intended by these words to abrogate the sanctions of the law, and thus not merely to impair, but actually to subvert the administration of public justice! Are we so to love our enemies as to suffer the thief, the adulterer, and the murderer, to riot in the full license of impunity? Are we to break down every safeguard of society, and let loose upon our families the men of blood, and fraud, and lust, because our Saviour has admonished us that we resist not evil? Is not this the necessary inference from the argument of our opponents? If these words of Christ be perverted from their original application, in what contradiction and absurdity is their divine author involved! He declares that he had come, not to destroy the law, but to fulfil it; and that heaven and earth should pass away sooner than one jot or tittle of the moral law should fail. In his own person, he magnified that law—by his own obedience, he made it honorable. By the suffering of its extreme penalty, as the atoning substitute of his people, he proclaimed the justice of the statute that the wages of sin is death. Though he knew no sin himself; though he was holy, harmless, undefiled, and separate from sinners; yet, when the chastisement of our peace was laid upon him, and he bore our sins, he bowed his head to the stroke of the sword of divine justice, and died upon the ignominious cross, the just for the unjust. To what desperate straits are men driven, when they set up their own fancies and prejudices as the rule of interpretation, and thus pervert the right ways of the Lord!

But it is argued, again, that the Jewish law consigned the adulterer, the Sabbath-breaker, and the blasphemer to death, and that, on the principle for

which we contend, the same punishment should be meted out by the Christian code to all such offenders. Here, again, the objector leaves out of view important facts and principles. The Jewish State was a theocracy. The whole political and religious system was united. The Church was blended with the State, and the State was merged in the Church. Under that system the ceremonial law was in force, and was absolutely essential to its stability. Many of the peculiar institutions of Judaism were both moral and political, or ceremonial in their nature, and the transgression of certain statutes involved a breach of the political or ceremonial and the moral law. Now, if the allwise Lawgiver saw fit to adjudge to certain transgressions under the Mosaic dispensation, the penalty of death, we may safely assume the ground that it was needful severity. The licentiousness of the heathen nations by whom the Jews were surrounded was proverbial. By choosing the house of Israel as His covenant people, and making them the depository of his law, God had laid them under peculiar obligations of purity. The sin of licentiousness was the great national characteristic of the heathen, and thus it became identified with the apostacy of his people. When they fell into that sin, they were said to have forsaken their covenant, and to have apostatized to heathenism. Thus the offence involved treason against the Divine government, and was a political as well as a moral crime; and this accounts for the severity with which it was punished. The writings of the prophets, as well as the Pentateuch and the historical books of the Old Testament, are full of the evidence of this fact. The prophets used the figure of adultery

to characterise apostacy from the service of God. It is, in fact, the most common of all the metaphors by which the rebellion of the Jewish nation is represented in the inspired writings. In perfect accordance with this view, the reason assigned for the judgment of death upon such offenders was, that they had *wrought folly in Israel*, (Deut. xxii: 21, and passim:) thus degrading God's covenant people to the level of heathen idolaters, whose worship was full of licentiousness and impurity. By affixing this dreadful penalty to the violation of the law of purity, Jehovah purposed not merely to express his abhorrence of the crime itself, but to place a barrier in the way of rebellion and apostacy. The severity which was necessary under this theocracy is not needed now, because the offence, though still as abominable and hateful as ever, no longer possesses the political significance which was formerly attached to it.

Our opponents are wont triumphantly to adduce the case of the woman taken in adultery, as powerful evidence of the fact, that our Saviour intended to abrogate the punishment by death in every case. We admit the pertinence of the example, in so far as the crime of adultery is concerned; and when the advocates of the abolition of the punishment by death, will point us to an instance in the New Testament in which a murderer was brought into the presence of Christ, and dismissed with the admonition,—“Go, sin no more”—we will acknowledge the relevance of their argument.

The principle to be observed in relation to the penalty affixed to the violation of the Sabbath, is similar. The observance of the Sabbath was ceremonial as well

as moral; its violation was a political as well as a moral offence. It was high treason against God: “ Speak thou also unto the Children of Israel, saying, verily, my Sabbaths ye shall keep; for it is a sign between me and you throughout your generations, that ye may know that I am the Lord that doth sanctify you.” All that was ceremonial in the Sabbath, our Saviour, as the Lord of the Sabbath also, has annulled. The duty of the sacred observance of one day in seven as holy to the Lord, is as much a part of the moral law as ever. The Sabbath was made for man, not merely for the Jew. The violation of the Lord’s day is still a crime, but as it has lost the ceremonial significance which pertained to it under the former dispensation, it is no longer punishable with death.

When we pass from this examination to an investigation of the reasons which God has assigned in his Word for the infliction of the extreme penalty of the law upon the murderer, we see at once that the operation of that statute was not to be limited to any particular system or economy. It was intended to be a universal law. It is not said that the murderer shall die because he hath wrought folly in *Israel*, or because he has profaned a sign between Jehovah and his *chosen people*; but the decree goes forth—“ Whoso sheddeth man’s blood, by man shall his blood be shed, for in the image of God made he man.” Here a reason is assigned, which applies to every age, to every system, to every country. The murderer shall die, because he has *defaced and destroyed the image of God*. And again: “ Ye shall take no satisfaction for the life of a murderer, which is guilty of death, but he shall surely be put to death,”—and then the reason is as-

signed—“*For blood, it defileth the land,* and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.” Here, again, a reason is assigned, which applies to all times, to every form of government, and to every nation under Heaven. The blood of the murdered victim defiles the land ; the stain of murder can be cleansed only by the blood of its perpetrator. Until that penalty is paid, the voice of innocent blood cries from the ground in the ear of Heaven.

That cry will be heard. If men will be so *merciful* to the murderer as to forget the claims of justice to his victim, let them look to it. The blood which they refuse to cleanse will be upon themselves and their children, and at their hand Jehovah will require it. His law may not be spurned with impunity. It is a transcript of his character ; and if any creature which he has made presumes to amend the statutes established by divine wisdom, God may suffer the experiment, but it will be at the peril of those who affect a wisdom and benevolence superior to his own.

But we are aware there is a class among the advocates of greater leniency to the murderer, whose sympathies are too much excited in behalf of the victim of the law to permit them to see the least force or reason in any defence of the statute which declares the life of the murderer to be forfeited. They tell us they can see nothing but horrid barbarity in choking a man on the gallows. There is no justice in this, that they can discern, and just as little reason. The justice of the law, we will not argue at present—we hope to examine that question carefully hereafter. We look at the subject, merely as appealing to sympathy. There are

the gloomy preparations for the murderer's punishment. The hour has come when he must be led out to die. He is alone in his cell. The last sad farewell has been said to his broken-hearted wife and sobbing little ones, and he is left with the God whom he is soon to meet. The officer of justice and the minister of mercy approach the malefactor's dungeon. He is attired for death. The solemn pleading of the man of God, as he bows his knee by the murderer's side, is heard invoking the compassion of Him who is able to save, to the uttermost. Then comes the echo of the heavy tread of men moving along the passages of the cold prison, as the sufferer goes forth to die. He passes through the gate, and the gallows frowns upon him. He shudders and turns pale as his eye rests upon the adjusted rope—the treacherous scaffold, and all that awful preparation for the death-struggle. And is there no escape? None—on earth—none! His last hour has struck, and he must meet his doom!—You pity the *poor murderer*. Well you may. The way of the transgressor is hard. But he is a *murderer*. Then another scene, more harrowing still than this, has been enacted. There are others for whom we must weep.

There, at the dead hour of night, you see that guilty man, skulking in the darkness, starting at every rustling leaf, and crouching to the earth at the sound of every footstep. Murder is in his heart. To gain his neighbor's gold, he will take the life of its owner; and though the gallows be in his path, he will climb over it to gain the object which he covets. With ready skill the fastenings are forced, and the assassin is in the house. He approaches his victim with noiseless tread.

Dreaming in security, the poor sleeper lies upon his bed unconscious of any danger. Suddenly the cold iron enters his brain, and his soul returns to consciousness, standing in the presence of the Judge of quick and dead. Oh ! ruthless murderer ! That poor victim has children who depend upon his daily toil ; who now will feed his little ones ? When the storm howls without, and they shiver around the cold hearth, who will comfort that pale widow—their broken-hearted mother ? Who will bring them food, and light the fire upon that hearth—now that the father—the husband is dead ?

Cruel, cruel murderer ! That soul may have been all unprepared for its great change. Driven without a moment's warning of impending death into a dread eternity, it must bide the final audit. No minister of Jesus bent over that dying sufferer to tell of him who bled for sinners, and to speak of pardon through his blood. No voice of prayer attended that spirit to the presence of its Judge. It was driven away with all its sins upon its head, and without a note of coming vengeance to arouse its fears or make it sue for mercy.

“Whoso sheddeth man’s blood, by man shall his blood be shed, for in the image of God made he man.” Ye shall take no satisfaction for the life of a murderer, which is guilty of death, but he shall be surely put to death.

C H A P T E R I I.

"If a man come presumptuously upon his neighbor to slay him with guile, thou shalt take him from mine altar, that he may die."—Exod. xxI: 14.

WE have already shown that the argument in favor of the punishment by death, is sustained by the concurrent testimony of the entire Old Testament authority. Those who assume the position that capital punishment is never to be inflicted by the State, must either reject the whole authority of the Jewish writers, and thus place their argument on the basis of infidelity, or they must endeavor to explain away the meaning of the statutes of the moral law, or, as a last alternative, they are bound to prove that the law itself is abrogated. There are a few points in this part of our subject which are worthy of prominent notice, and to which we wish to advert before we proceed to a farther investigation of the New Testament authority.

The law by which the murderer is adjudged worthy of death was given before the promulgation of the Jewish statutes, and is therefore to be regarded as a rule for all mankind. The Mosaic code enlarged and amplified the general principle, adapting it to its pecu-

liar institutions ; but the principle itself did not originate with that code. Immediately after the deluge, when God blessed Noah and his family and gave them dominion over the earth—delivering into their hands beasts, and fowls, and fishes—they were instructed that every moving thing that liveth should be meat for them, with this restriction :—“Flesh, with the life thereof, which is the blood thereof, shall ye not eat.” And then the statute was enacted,—“Surely your blood of your lives will I require ; at the hand of every beast will I require it, and at the hand of man ; at the hand of every man’s brother will I require the life of man ; whoso sheddeth man’s blood, by man shall his blood be shed ; for in the image of God made he man.” This law was, therefore, general, and not particular. It was framed with design to universal application. It was in force when the Jewish system was established, and continued in force when Judaism gave place to the dispensation of the gospel. Now, it is worthy of remark, and, it may be stated in corroboration of the view heretofore expressed, that the crime of murder is the only one specified in the law given to Noah as worthy of the punishment by death, and it therefore follows, that if this extreme penalty was affixed to any other offences by the specific statutes of Judaism, that legislation was designed to apply only to the Jewish system, and was superseded under the Christian dispensation by the universal law given to man after the deluge.

The regulations of the Jewish law respecting murder may, however, be consistently regarded as general in their application to the entire human family, inasmuch as the expressed grounds on which they are based are not restricted to the peculiarities of the Jew-

ish economy. The blood of the murderer's victim is as foul a stain upon a Christian land as it was upon Judea. It defiles the one as much as the other, and therefore there is no reason why the murderer should have been put to death under the Jewish law, which does not apply as forcibly in this age and in this land, as in any previous era or country. If this be so, we cannot be guiltless if we deny or despise the tremendous emphasis which Jehovah has laid upon the statutes which demand the murderer's punishment. The crime of murder outlaws its perpetrator. No shelter may be provided for it. No refuge is to be sacred, when claimed by the man of blood. "He that smiteth a man so that he die, shall surely be put to death ; and if a man lie not in wait, but God deliver him into his hand, then I will appoint thee a place whither he shall flee ; but if a man come presumptuously upon his neighbor, to slay him with guile, thou shalt take him **FROM MINE ALTAR**, that he may die." (Exod. xxi: 12, 14.) A providential interposition, by which one man unintentionally deprives his neighbor of life, involves no crime—it is a misfortune, and claims sympathy and condolence. *God has delivered the slain into the hand of his neighbor*, and as the Sovereign Arbiter of life and death, the right and the power to do so belong to Him. But murder—the slaying of a man with guile—is a crime for which there is no acquittal. The law demands, and drags its victim from the horns of God's altar, that he may die. This principle has not been altered, or in the least unsettled by the New Testament.

Whatever use the opponents of Capital Punishment may be pleased to make of certain precepts of Christ, in which he inculcates the great duty of love, they

must acknowledge that there is no passage in the book of the new covenant which, in terms distinct and explicit, repeals the ancient law. In fact, when we show that the Jewish legislation on this subject was moral, we have done all that can consistently be required. If the reasons assigned for the appointment of this penalty are moral—if they are not merely ceremonial or political—then they belong to the things which Christ came not to destroy, but to fulfil. But the entire basis of the Old Testament legislation respecting murder is moral. This has been shown already. The murderer was to be put to death, according to the law given to Noah—because *man is made in the image of God*—and therefore a value is to be placed upon human life, which belongs to the existence of no other earthly creature. The soul of man is not to be jeopardized in its eternal interests by the rage or malice of the murderer. He sheds the blood of his victim when there is no apprehension of danger, and ushers the soul with sudden violence into the awful presence of its Maker. This is a moral reason why the law should not spare the murderer. Again, Jehovah declares that blood defiles the land—not *literally*—for the blood of the murderer is as red as that of his victim—but *morally*, on account of the magnitude and turpitude of the crime, and therefore—“Ye shall take no satisfaction for the life of a murderer, who is guilty of death, but the murderer shall surely be put to death.” “Think not,” says Christ, “that I am come to destroy the law and the prophets. I am not come to destroy, but to fulfil. For verily I say unto you, till heaven and earth pass, one jot or one tittle shall in no wise pass from the law till all be fulfilled.”

Although we might with propriety rest our argument upon this general ground, we will, for the sake of illustrating its consistency, adduce testimony from the expressed language of Christ and his apostles. But before proceeding to this important part of the inquiry, let us notice a reference, which is frequently made by the advocates of the annulment of the law of murder, to the case of Cain.

It is a melancholy fact, that the first man who was born of a woman was a murderer—his victim was his own brother. Inflamed with envy, he rose up against him in the field, and Abel was slain. No human witness was near, but there was One above whose eye beheld the foul deed. “And the Lord said unto Cain, where is Abel, thy brother? And he said, I know not; am I my brother’s keeper? And God said, what hast thou done? The voice of thy brother’s blood crieth unto me from the ground; and now art thou cursed from the earth, which hath opened her mouth to receive thy brother’s blood from thy hand. When thou tillest the ground, it shall not henceforth yield unto thee her strength: a fugitive and a vagabond shalt thou be in the earth. And Cain said unto the Lord, my punishment is greater than I can bear. Behold, thou hast driven me out this day from the face of the earth; and from thy face shall I be hid; and I shall be a fugitive and a vagabond in the earth, and it shall come to pass that every one that findeth me shall slay me. And the Lord said unto him, therefore, whosoever slayeth Cain, vengeance shall be taken on him seven-fold. And the Lord set a mark on Cain, lest any finding him should slay him.” This history is adduced as a triumphant vindication of the cause of our opponents. Doubtless, this was a clear case of malicious

murder. The slain was the brother of the murderer, and he was eminently a good man. It was the first crime of the kind of which we have any record, and for the sake of example, it would appear natural to suppose that vengeance would have set the precedent which all subsequent ages would be required to follow, and yet the murderer was not put to death. This looks like a strong case. Let us examine it. The murder of Abel was committed before civil courts were in existence, and before the record of any explicit law bearing upon this crime. And yet, how was it that Cain, when he received his sentence, cried out—"Every one that *findeth me shall slay me?*" Was not this the voice of conscience anticipating the righteous law subsequently enacted,—"Whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God made he man?" And why was the mark set upon Cain, *lest any finding him should slay him*, but because the universal instinct of justice even then demanded that the murderer should be put to death? God saw fit to impose upon Cain another punishment. He had a perfect right to do so. He may inflict whatever penalty he sees fit. But after he has promulgated a law, that law becomes the rule of justice, and no man has a right to overlook its statutes, and refer to an event which could not be a precedent for human legislation, inasmuch as God reserved the whole process against that criminal in his own hands. If he had already promulgated the law of murder, he would have left the case to be adjudicated by men according to its requirements. But after that law has been emphatically stated, it is, to say the least, absurd to appeal to a precedent which occurred before the existence of an explicit statute. Whatever may have

been the motives which actuated the Great Arbiter of life and death in the infliction of the punishment which Cain endured, are known to himself; we are not to invade his prerogative by assuming the power which belongs to him—it is our province to obey his laws, and to look to it, that the land be not defiled with innocent blood. “For blood, it defileth the land, and the land cannot be cleansed of the blood that is shed therein, but by the blood of him that shed it.”

Let us proceed, then, to examine the teachings of the New Testament on this subject.

The great moral principles upon which the administration of public justice is based, are left by the Saviour without the least modification. Not in one single instance has he changed them. Not one jot or tittle of the moral law has passed away. If the annulment of the penalty of death for murder had been part of the gospel plan, it would have been as distinctly stated as it is in the case of adultery, either by some specific example, or by a direct precept, or by the establishment of some well-defined principle applying to the case ; but there is no such thing on record. Our Saviour himself suffered the penalty of death. He endured it voluntarily. His death was not like that of an ordinary man. He had power to lay down his life, and he had power to take it again. So far as regards the accusation upon which he was condemned to die by a human tribunal, his crucifixion was an act of flagrant injustice. Wicked men were permitted to put him to an ignominious and accursed death, in fulfilment of the divine purpose, in accordance with which he offered himself as an atoning sacrifice. The wages of sin is death. Christ came to atone for the sins of all who believe on his name, and therefore he endured

the penalty of the law. It is natural to suppose that the scene of his sufferings would furnish facts, from which principles bearing upon the general subject of this discussion may be deduced. A reference to the inspired narrative will show that this is actually the case. Yonder is the Saviour in Gethsemane. He has risen from his knees; he is covered with the bloody sweat, forced out by his agony. He has roused his drowsy disciples. He goes forth to meet his betrayer. Judas has come, and with him a great multitude, with swords and staves. The traitor draws near, falls on the Saviour's neck and kisses him, with the salutation, "Master, hail." Immediately they lay hands on Jesus. This rouses the anger of the impetuous Peter. He draws his sword, aims a blow at the head of the servant of the chief priest, and cuts off his ear. Instantly the Saviour's hand is stretched out, not to smite, but to heal—he restores the mutilation—and turns upon Peter, "Put up thy sword again in his place: for all they that take the sword shall perish by the sword." What does that mean? That the murderer shall not die? I trow not. It is a rebuke to Peter for drawing his sword at the impulse of revenge. His disciple was resisting the officers of the law, and Jesus warns him that they who thus take the sword shall perish by the sword—in accordance with the statute—"Whoso sheddeth man's blood, by man shall his blood be shed." Then he reminds his disciple, that he needs not the aid of an arm of flesh, and that all his suffering was voluntary. "Thinkest thou that I cannot now pray to my Father and he shall presently give me twelve legions of angels? But how then shall the Scriptures be fulfilled, that thus it must be?" Let us follow him to Calvary. The work of torture is

begun. They crucify him. Jesus is numbered with the transgressors. He is crucified between two thieves. The soldiers mock him. The people and the rulers deride him. Instigated by the example of the scornful rabble, one of the malefactors, forgetting his own anguish, vents his fiendish rage upon the unoffending sufferer at his side, and joins in the cry of derision. “One of the malefactors which were hanged, railed at him, saying, ‘If thou be Christ, save thyself and us.’ But the other answering, rebuked him, saying, ‘Dost not thou fear God, seeing thou art in the same condemnation? and we indeed justly; for we receive the due reward of our deeds: but this man hath done nothing amiss.’ And he said unto Jesus, ‘Lord remember me when thou comest into thy kingdom.’ And Jesus said unto him, ‘verily, I say unto thee, today shalt thou be with me in paradise.’” (Luke xxiii: 39, 43.) Did our Saviour correct the *misapprehension* of the penitent thief? Did he say to the tortured malefactors, “*Ye have done nothing worthy of death! Ye can commit no offence which will justify the State in depriving you of life. Ye are martyrs, not malefactors. Ye deserve sympathy, and not punishment?*” No—not a word of this. To the wretch who railed at him he made no reply. With the quiet majesty which stamped all his intercourse with the bitterest foes, he meekly endured reproach, without betraying the least infirmity. To the trembling suppliant, who confessed his sin, and acknowledged the justice of his doom, he speaks words of precious promise and consolation. He upbraids him not with his past iniquity. He silently acquiesces in the estimate which the penitent has set upon his own guilt, and the justice of the punishment awarded to his

crimes; but he dealt with him as he deals with every penitent still—he breathes no reproach for past offences; whilst the agony of death is convulsing every nerve, and quivering in every limb, he summons strength to comfort the sufferer; and even in death, a KING, he gives a place in Paradise to the dying malefactor who has craved forgiveness.

But our opponents appeal to that death scene as furnishing evidence still more conclusive on their side. They point to that passage in the history in which it is said, “When they were come to the place which is called Calvary, there they crucified him and the malefactors, one on the right hand and the other on the left. Then said Jesus, Father, forgive them, for they know not what they do.” A beautiful example, truly, of the readiness of our gracious Saviour to practise the precepts which he preached; sufficient, one might think, to make the scoffing infidel smite upon his breast and exclaim, with the convicted centurion, “Truly, this was the Son of God!” But, as an argument for the abolition of the death punishment, utterly irrelevant and absurd. But, was not Jesus *murdered*? Undoubtedly, he was. Did he pray that his murderers might all surely be put to death? No! he prayed for their forgiveness. Jesus was put to death by the State. He was tried, convicted, and condemned for treason against Cæsar. His trial was a mockery, his conviction was contrary to law and justice, and his condemnation, on this ground, was an outrage upon all reason and conscience, and yet there was the form of justice, notwithstanding its shameful perversion. It was a judicial murder, and our Saviour implored his Father’s forgiveness, because his persecutors knew not what they did. This was a national sin, in which in-

dividuals were implicated. So far as it was a personal wrong done to himself, Jesus forgave it, and he prayed to his Father that he would forgive it also, because they knew not what they did. But this forgiveness was based upon the condition attending every act of pardon which is passed in the Court of Heaven—that of sincere repentance. Christ would not leave a barrier in the way of any sinner whom grace makes willing to embrace the efficacy of the atonement. The Saviour's prayer was heard. It must have been heard, or Christ could not have said, *Father, I know that thou hearest me always.* Jesus never pleads in vain. Those who repented were forgiven. On the day of Pentecost, Peter preached to the murderers of Christ. After charging them with killing the Prince of Life, he says,—“Brethren, I wot that through ignorance ye did it, as did also your rulers.” He shows, that though in ignorance, they have fulfilled what God had spoken of Christ by the prophets. He offers pardon through the blood of the cross. They are pricked to the heart. Three thousand souls are bowed under the power of the Holy Ghost, and cry out, “Men and brethren, what shall we do ?” The answer is returned,—“Repent and be baptized, every one of you.” They obey, and their sin is remitted. There is the answer to the prayer of Christ. Rejoicing, but not yet content with these trophies of divine forgiveness, the Apostles continue their appeals to the murderers of Jesus, and two thousand more are enrolled in the number of the disciples. Here, again, is the answer to the Saviour's prayer. But the multitude who rejected the preaching of Jesus and the resurrection, had no part in that forgiveness. Christ did not pray for them. The nation persisted in rejecting the mercy of the crucified

Nazarene, and their sin remained. The fearful imprecation uttered in the presence of Pilate, when he declared his conviction of the Saviour's innocence, was not forgotten. The cry reached heaven, "his blood be upon us and upon our children," and that innocent blood came upon the murderers, not to sprinkle them from their guilt, but to mark them as the victims of wrath to the uttermost. Need we remind you of the awful horrors of that fearful seige, when the Roman eagles were planted against the gates of Jerusalem, and the prediction of Christ was literally accomplished: "In those days shall be affliction, such as was not from the beginning of the creation, which God created, unto this time, neither shall be." The mountains round about Jerusalem were covered with the crosses upon which the murderers of Christ were crucified. His blood came upon them and upon their children. The streets were filled with the slain; the houses sheltered the victims of famine and pestilence; brother was arrayed against brother, faction against faction, until the sword, pestilence and famine, had been glutted with a million and a half of victims. The remnant, enough to keep alive the remembrance of the Jewish people, were carried into captivity, and scattered over the earth, a by-word and reproach among all nations even unto this day. They are living epistles, telling how God avenged Messiah's murder upon their nation! There you have the answer to that frightful imprecation, which still tingles in the ears of Abraham's children: *His blood be upon us and upon our children!* It has come on them. It is on them now. We look and long for the day when it shall speak to the House of Israel *better things than the blood of Abel*, and when the Jewish nation shall claim the intercession of

the Christian's great High-priest. It may be fine rhetoric to interpret the Saviour's prayer on Calvary as a plea for the abrogation of the punishment by death, but it is unfortunately a gross perversion of the truth. When viewed in accordance with facts, its testimony falls with tremendous weight upon the argument of our opponents, and grinds it to powder.

The writings of the apostles present evidence to the same effect. They never intimate that Christ had innovated on the moral law by annulling this statute. In fact, they argue as though they had not imagined that the prejudice of men would ever challenge its validity. Thus, when describing the authority of the Magistrate and the duty of Christian submission to constituted authority, Paul declares, *the magistrate beareth not the sword in vain*, and then assigns as the reason, that he is the “minister of God, a revenger to execute wrath upon him that doeth evil.” Surely, if the Bible were all against the capital punishment of the murderer, the sword could not be a fit emblem of civil authority. Justice has no need of a sword, if the murderer is not guilty of death.

When Paul stood before the judgment seat of Festus, before appealing from the Jews to Cæsar, he says to his judge,—“If I be an offender, or have committed any thing worthy of death, I refuse not to die.” Could the apostle have spoken thus, if the punishment by death was in every case unjust, and a presumptuous invasion of the prerogative of God? The man who could take all men to record, that he had never shunned to declare the whole counsel of God, would not have permitted such an opportunity to pass without a loud protest against every menace aimed at the life of an offender, who was threatened by the sword

of the civil magistrate, had he believed with divers new apostles of philanthropy. What! Paul assert that he would not refuse to die! The man who was so tenacious of his civil rights, when the furtherance of the gospel was at issue, that he even refused to leave the prison after he had been illegally scourged, and compelled his persecutors to come in person and take him out—will he be content to suffer death, when all God's law, and the precepts of the Lord Jesus, and all righteousness and mercy condemn the infliction of such punishment in any case as barbarous? They know little of Paul's character who suppose that there was room in it for such inconsistency. But Paul knew nothing of this wild philanthropy. He recognized the principle that there are offences worthy of death, and asserted, that if such a crime could be proved against him, he would not refuse to die.

So far, then, as regards the Scriptural argument, we deem it unanswerable. It cannot be fairly met. It may be tortured and perverted, and obscured, or it may be treated with infidel contempt, but there it stands, like a rock, unmoved by the roar, and uninjured by the foam of the restless waves that dash against it. Here, then, we might dismiss the subject, and quietly abide the issue of every Christian's reflection. Those who love God's law will uphold its sanctions, and to the whole extent of their influence they will remonstrate against every infringement upon its authority. But some men are not Christians. Some reject the Bible; and the large proportion of the advocates of the false philanthropy, which has a bottle for the murderer's tears, but no pity for his victims, are in this position. It may be proper, therefore, to examine a

few of the pleas upon which their theory depends for support.

We are told this age is too enlightened to tolerate the extreme punishment which has heretofore been inflicted on the murderer, and that the superior refinement resulting from the more general diffusion of the principles of the gospel, loudly demands the commutation of the penalty of death. This is a strange plea. It subverts the only standard by which the enormity of crime has always been graduated. Heretofore wise legislators have supposed that the intensity of an offence depended upon the light against which the transgressor has sinned, and that the character of any given violation of law was to be estimated by the degree of knowledge possessed by the criminal. Hence, our Saviour says: "That servant which knew his Lord's will, and prepared not himself, neither did according to his will, shall be beaten with many stripes—but he that knew not, and did commit things worthy of stripes, shall be beaten with few stripes. For unto whomsoever much is given, of him shall be much required; and to whom men have committed much, of him they will ask the more." And once more—"this is the condemnation, that light is come into the world, and men have loved darkness rather than light." Here, again, this plea, specious as it is, betrays its infidel origin. It scorns the authority of Christ and his word. If the age is blessed with superior light, then every crime is aggravated by the greater clearness in which duty is presented; and if, in the "*dark ages*" of Judaism and of primitive Christianity, and of all Christendom, down to the present glorious nineteenth century, the crime of murder has always been adjudged worthy of death, we should

think the murderer can hardly expect immunity from the gallows, because he has sinned in the face of superior light and knowledge. Would not such a plea sound strangely if offered in a court of justice? Would it not be regarded as a rather lame apology for murder?

It is argued, again, that the State has no right to take the life of a human being. The State cannot give life, and therefore it has no right to take it away. This is the *argument* which the report of the proceedings of the late convention of the friends of the abolition of capital punishment put into my mouth—by mistake, however,—and commended the speech as very *eloquent!* Alas! for such rhetoric! The State cannot give life to a bullock, and yet the right of our rulers to sacrifice a hecatomb, if occasion requires, will never be questioned, except by the Brahmins. If the logic against which we protest be sound, the precautions which are adopted in the heat of summer are barbarous. The municipal authorities cannot give life, and therefore have no right to take it away. You must not hint at *hydrophobia*. Life is precious! You cannot give it even to a dog, you have no right therefore to take it away.

Let me not be told that I place human life on a level with that of a brute. I do no such thing. But the plea which the advocates of the abolition of capital punishment employ, and which they urge with so much vehemence, proves too much, when it asserts that the absence of power to confer life, precludes the right to take life. It is just as valid in the case of the beasts that perish, as it is of man, whom God made in his image.

If I am told that God has, by an express statute, given power to man over every other creature that lives and moves upon the face of the earth, or in the waters of the sea, and that, as their lord and sovereign under God, he has a right to use them; then, I reply, God has, by repeated statutes, equally explicit and express, delegated to the State the power to take the life of the murderer, and has commanded, under pain of his displeasure, that the murderer shall surely be put to death. But waiving all this, the plea of our opponents may be modified, and then it requires another exposition. They assume the ground that the State has no right to take human life, not because they cannot confer life, for we will consider that plea as abated, but because human life is precious and sacred. This differs materially from the former, but it is not a whit less fallacious. It will be admitted, that the law has more power than an individual. Every man of common sense will concede this as an axiom requiring no proof. Be it so. At the dead hour of night you are aroused by a sound at your door. You listen—the noise is repeated. You step softly to your window, draw aside the curtain, and almost suppress your breathing, lest the sound should betray you. Presently you hear voices of men, conversing in an undertone, and as your eye becomes accustomed to the feeble glimmering of night, you discern that they are armed. What are you to do? Your dwelling stands alone. There are no neighbors whose aid you can invoke—no officer of the law is at hand to help you. Your assailants are bent on pillage—their weapons of death prove that they will screen themselves from detection, if they can, by the murder of your family. There is the wife of your bosom, unconscious of her

danger. Your children are sleeping in your chamber. Shall they be the victims of the lawless russians, who are bent on robbery and murder? Shall your quiet home be made frantic with the screams of your terrified children, when they awake and see strange forms scowling over them, and brandishing the bloody instruments of slaughter? The pleadings of humanity, of love, say no. You arm yourself. Your assailants are within the reach of the fatal bullet. You raise your hand. But the voice of conscience and religion whispers, it is an awful thing to die. It is dreadful to take the life of a fellow man. It is horrid to send a murderer, in the very act, to the judgment seat of God. You weigh well what you do. You will give the robbers warning. You raise the sash and cry out against them. They start with the shudder of conscious guilt. But their alarm is momentary. They presume that you are defenceless, and they know their strength. They are sturdy villains, adepts at their profession, and they answer your warning with a taunt, and snap a pistol in your face. Forbearance is exhausted, and the murderer lies dead at your door. The law of man acquits you. Conscience absolves you. The Bible justifies the deed, for God has said, "If a thief be found breaking up, and be smitten that he die, there shall no blood be shed for him."—(Exod. xxii: 2.) You have slain a murderer in defence of your family and of your own life. You regret the necessity, but it was forced upon you, and the law fixes no blame upon the deed.

But, suppose a different issue. Imagine a case, in which the deadly attempt succeeds. A whole family falls a sacrifice to the assassin's rage. The dwelling is pillaged, and the blood of man escapes. But the eye

that never slumbers follows him. God's providence detects him, for *murder will out*; his guilt is fastened on him, and he confesses his crime. But the friends of the murderer plead that he must not die, because the State has no right to take human life. That is too sacred and precious to be destroyed. What! was it right to take a murderer's life in order to *prevent* the execution of his bloody purpose, and is it barbarous to exact that penalty of one whose soul attempt has succeeded? Was it just in you to prevent the murder of your family by taking the life of the aggressor, and is it unjust in the law to require the life of the wretch, who has actually murdered your neighbor? Is it right for an individual, in an extreme case, to kill an assailant in self-defence, and is it wrong in the State to put to death the man who has consummated the deed of blood? What is this, but holding out a bonus to the murderer to make sure work! From such wild folly, from such mad legislation, may God in mercy deliver us! Heaven forbid, that a sickly sentimentality should usurp the place of law, and blunt the sword which justice wields, in hewing down the gallows—the tree of reproach—which stands between the man of blood and the victim of his cruel rage. “If a man come presumptuously upon his neighbor to slay him with guile, thou shalt take him from mine altar that he may die.”

CHAPTER III.

"Defile not, therefore, the land which ye shall inhabit, wherein I dwell."—*Numb. xxxv*: 34.

We have already examined in detail the prominent scriptural arguments by which the opponents of capital punishment endeavor to sustain their position, and we are persuaded that, among unbiassed minds, there can be but one opinion. The Bible is altogether against the total abolition of the punishment by death. Admitting, as we do, that the extreme penalty of the law has often been inflicted upon offenders, who have done nothing worthy of death, and acknowledging most cordially the justness of the abrogation of that penalty in all cases which the code of the New Testament and the universal law given to mankind exempt from this severity, we contend that murder is a crime which merits and should receive the heaviest retribution which the hand of man can inflict. The testimony of the scriptures, as we have shown, admits of but one consistent construction, and unless we are prepared to discard and deny the authority of God, or to reject the Bible as the authentic revelation of His will, we cannot lend our influence to the movement now in progress to effect a commutation of the punishment

heretofore inflicted on the man of blood. We wish the true foundation of this false philanthropy to be exposed, for we are persuaded that, when the ground upon which it rests for support is seen and known, the friends of truth and righteousness will wash their hands clean of all participation in it, and will rally in support of the Bible. I know the advocates of the murderer's exemption from the death punishment affect to be far more enlightened than their neighbors—if we are to believe them, they are the children of light—but they who throw away the lamp which God has given to erring man as a light to his path, will do well to listen to the voice of the Great Ruler of the Universe: “Behold, all ye that kindle a fire, that compass yourselves about with sparks; walk in the light of your fire, and in the sparks that ye have kindled. This shall ye have of mine hand, ye shall lie down in sorrow.”

We should do injustice to those against whose theory we protest, were we to leave the impression on any mind, that they openly advocate the abrogation of all punishment. They have no such sympathy for the murderer as to offer him entire impunity. On the contrary, they declare that they would inflict upon him a punishment even more terrible than death itself, and they suggest that, in all cases in which the crime of murder is clearly made out, the offender should be imprisoned for life. They go so far as to assert that this penalty would be even more severe and dreadful than death by the hand of the executioner. We suppose this estimate is made in all sincerity. Then, let us hear no more declamation about the barbarous cruelty of strangling a criminal upon the gallows, for out of their own mouth are they con-

demned by the advocacy of a punishment which they regard as still more horrible. But what security have we that the murderer will end his life in prison? The Executive of the State, moved by the entreaties of the wife and children of the offender, or by some other still more potent consideration, may grant him a pardon, and forthwith he is let loose again upon society. This difficulty our opponents admit; and they propose as a remedy such a restriction of the pardoning power as to deprive the murderer of all hope of reprieve. Supposing the feasibility of the measure to be admitted, here, again, we are met by the law of God. With a voice louder than seven thunders, Jehovah protests against it: "Ye shall take no satisfaction for the life of the murderer which is guilty of death. The murderer shall surely be put to death." Even if a punishment could be devised, ten-fold more dreadful than that required by his law—if the inventive genius of the age could suggest some form of retribution even more appalling than that of an ignominious death, God's law would not be satisfied. It seeks not the torture of its victim, but the enforcement of justice. Its stringency is not the cruelty of revenge, but the severity of love. God is love. His heart is full of benevolence, and therefore he prefers the general welfare above the happiness of a guilty individual. His wisdom is infinite. He sees the end from the beginning. The short-sighted *benevolence* which affects to amend His law is insolent presumption. We are told that it is far more humane to let the murderer live, than to offer him a sacrifice to the pitiless law which claims him as its victim. "Nay, but O man, who art thou that repliest against God? Shall the clay say to him that fashioneth it, what makest thou? Who unto him that striveth with his Maker?"

We are far from believing that the plea of our opponents, respecting the severity of the punishment which they propose as a substitute for the penalty affixed by God's law, is valid. The testimony of a keen observer of human nature, who is intimately acquainted with all the workings of the human heart, and who has made its passions his study ever since the creation of Adam, is recorded in the book of Job. When "Satan answered the Lord and said, skin for skin, yea, all that a man hath will he give for his life," he stated the result of close observation. I know he was a liar and a murderer from the beginning, but, in this instance, he appealed to the Lord, and Jehovah admitted the principle to be true. Satan was permitted to try the patience of Job; and, after the man of God had acquiesced in the destruction of his property, and the sudden removal of his children by death, and had uttered the words which have ever since his day been the language of pious resignation to the will of God, "the Lord gave and the Lord hath taken away, blessed be the name of the Lord"—the great adversary proposed another trial, to which he predicted another issue: "Skin for skin, yea, all that a man hath will he give for his life: but, put forth thine hand now, and touch his bone and his flesh, and he will curse thee to thy face. And the Lord said unto Satan, Behold, he is in thine hand, but save his life."

The experience of every man who has ever watched the conflicts of his own mind, must convince him that, even in ordinary cases, endurance of protracted pain is preferred to a momentary pang of excruciating torture. It is a principle of our nature to shrink from acute suffering. That man may well be thankful who

has never experienced the alternations of hope and distraction, the usual precursors of the resignation of despair, with which we submit to the tender mercies of the dentist. Fear is one of the most powerful affections to which we can appeal, and it is the only motive whose voice can reach the ear of the abandoned wretch who has murder in his heart. The love of life, after all the sophomore declamations to the contrary, remains the great ruling passion in the natural heart, and there is nothing which can displace it, even in the Christian's soul, but the superior claims of fidelity to his God and Saviour! The heathen understand this principle, and have always been familiar with the workings of this ruling passion of our nature. Æsop has finely satirized the prevalent disposition to complain of life as a burden, when we are oppressed by the ills to which humanity is heir. We are all familiar with the fable of the poor man, who was groaning under the weight of the fagots which he was carrying to his home. Weary and exhausted, he threw his load from his shoulders, sat down by the way side, and loudly invoked Death to come and relieve him from his misery. Instantly the greedy tyrant stood before him, and with uplifted dart, inquired, "What wouldst thou have with me?" "Good Death," exclaimed the poor man, in terrified amazement, "I want thee to help me get this bundle of sticks upon my back!" The fable needs no interpreter. Its moral is obvious.

A favorite plea for the abolition of the death punishment is, that owing to the prevalent repugnance to this extreme severity, it is a hard matter to empanel a jury in a case of life and death, and still more difficult to secure a verdict of murder in the first degree. This difficulty, we are persuaded, has been greatly exagge-

rated. That it obtains to some extent is undeniable, but we cannot concede that it is really so formidable as our opponents imagine. There are still some left in our community who reverence the law of God, and are prepared to uphold its authority. The cause of our opponents is not sustained by all the virtue, intelligence and piety of the land, and we incline to the belief that, in case of emergency, we may still find twelve upright men who will be prepared to render a righteous verdict against the murderer. At best, however, the validity of such a reason for the abolition of the law of murder may well be questioned. Does it follow, if a law is unpopular, that it is therefore unjust? So long as the world lieth in wickedness, the carnal mind will be enmity against God, and the authority of His law will be trodden under foot. Let the question of submission to the gospel of Jesus Christ be proposed to the millions of Pagans, Mahometans, Universalists, and all other infidels, and the God of the Bible would be voted out of the earth which His hand has framed—aye, voted out of His own habitation, by a large majority of the children whom He has nourished and brought up. Shall the people of God—the subjects of his grace—the friends of his law—those who revere his authority, and love his government, desist, on this account, from all proper efforts, in the use of divinely appointed means, to convince the enemies of the God of heaven that they are in error? Shall they quietly acquiesce in the general voice, and join the ranks of those whose battle-cry, as they march against the Lord and his Anointed, awakes the plaudits of the pit—no God, no Sabbath, no Bible, no Heaven, no Hell! Never! When the enemy comes in like a flood, the soldiers of Christ will take to themselves the whole

armor of God—and if it be an evil day, they will stand, prepared to endure hardness—ready to suffer reproach, dishonor and death—every thing, rather than tarnish the Christian name, or betray their Master's cause. If it were really true,—though we bless God it is not,—but were it true, that the enemies of God's law have so much influence in our community as almost to secure the abolition of punishment of death, then God rolls upon Christians the responsibility of raising a voice of remonstrance, earnest, loud and unwearied, against the daring violation of His law! And if Christian men and Christian *ministers* will be wise above what is written—if they will prefer sickly expediency to wholesome justice—and bend God's law to the level of its depraved enemies, let them look to it. God will visit them, and they must answer.

But again, we are told, the gallows must be hewn down, because innocent men have suffered upon it. I would give this appeal all the weight which can fairly be claimed for it. The fact which it asserts is undeniable. Innocent blood has been shed, whilst the guilty have escaped. This is to be deplored; and the recurrence ought to be prevented. It has been said, wisely and mercifully, it is better that ten guilty men should escape the penalty of the law; than that one innocent man should suffer it; but it is neither wise nor merciful to argue that, because an innocent man may at one time or another have fallen a victim to unfounded suspicion or false testimony, therefore, the law itself should be abrogated. This plea, if admitted, would make a mockery of justice, and subvert the administration of all law. The innocent have sometimes been imprisoned; shall we, therefore, tear down

our penitentiaries, and abolish imprisonment in every case? If the argument holds good in the one instance, it does so in the other. Many a man has languished in a dungeon for years, and has actually died within the prison walls, and after all, his innocence has been proved, when it was beyond the power of human justice to repair the wrong which had been inflicted. In such cases, the Christian sufferer can summon to his aid the faith and philosophy of the gospel. These are sufficient to sustain the believer under loss of reputation or liberty, and to fill even the cell of a prison with peace and joy in the Holy Ghost. He can quietly commit his cause to God; he can bow with humble resignation to the allotments of that Providence which numbers every hair upon his head; he can leave the adjustment of his cause to the judgment of the great day, when a righteous recompense shall be awarded to every man, and all the mysteries of God's providence shall be explained.

We may be reminded, however, that the commutation of the death punishment into imprisonment for life, might, in some cases, afford an opportunity to rectify the mistakes of the law, and thus restore an innocent man to rights, of which he has been unjustly deprived. This is true. But does the objector suppose that this circumstance had escaped the notice of the Great Lawgiver, when he declared that the murderer must surely be put to death? If courts of justice would always abide by the statutes of His law, there would be no room for the unjust infliction of its penalty. The most ample provision is made in the Old Testament against this abuse. "Whoso killeth any person, the murderer shall be put to death by the mouth of witnesses; but one witness shall not testify against any

person to cause him to die."—(Numb. xxxv: 30) And again—"At the mouth of two witnesses or three witnesses shall he that is worthy of death be put to death, but at the mouth of one witness he shall not be put to death." In case of perjury, or suspicion of false witness, the judges were directed to make diligent inquisition, and if the witness was proved to be false, then the law required them to do unto him as he had thought to have done unto his brother.—(Deut. xix: 19.) By the Jewish law, a conviction for murder on inconclusive circumstantial evidence was excluded. If there was the least doubt of the guilt of the accused, he received the benefit of it. If the crime could not be proved by the testimony of more than one witness, however pointed, explicit and direct, there could be no conviction; but if the case of murder was clearly established by the concurrent testimony of two or more witnesses, there was no room for a reprieve: the decree was enforced: "Thine eye shall not pity, but life shall go for life." Whenever the evidence upon which the conviction of a criminal is demanded, admits of any rational and consistent explanation, by which his innocence may possibly be asserted, the probability of guilt ought never to outweigh the possibility of innocence. A single fact will illustrate this principle. Some years ago a young woman was cruelly murdered in England. Her cries for help were heard by a physician, who was her nearest neighbor. He rushed into the house and found her weltering in her blood, with a razor at her side, but the murderer had escaped. He raised her from the floor, and instinctively picked up the razor. At that moment other neighbors entered the dwelling, and instantly arrested him as the perpetrator of the foul deed. His protestations of innocence

were all in vain. He was put on trial. It was proved that he had been found supporting the head of the young woman, with a razor in his hand; no other person was in the house. His character previous to that day had been without blemish. He had been universally esteemed—but, although his own statement was clear and consistent throughout, he was condemned on this presumptive evidence, and died on the gallows. Not long after the real criminal was convicted of a second murder, and confessed that he had committed the deed for which another had been innocently put to death. But what does this prove? What would a hundred similar facts prove? That the punishment by death should not be inflicted upon the murderer? Assuredly not: for then God's law would be chargeable with unrighteousness! Such facts prove that mere circumstantial evidence, which admits of a rational and consistent explanation, ought never to procure conviction. A single possibility of innocence should outweigh a thousand probabilities of guilt, especially when the life of the accused is at stake. Let the righteous provisions of the Divine law be enforced, and the innocent will never suffer, even though the guilty may at times escape. But if the murderer shall evade the penalty of the law, will not the land be defiled with blood? It will. But the voice of that blood will then implead none but the guilty murderer; and when human laws have proved insufficient, the offender may safely be left to the retribution which God will surely inflict. When man cannot cleanse the land from blood, God will see that the stain is wiped out. He has declared that *bloody men shall not live out half their days*, and his providence will verify his word.

The commutation of the punishment by death into imprisonment for life, would, on the mere ground of expediency, be of dangerous tendency; and there is great reason to fear that the sacrifice of human life would be increased, rather than diminished, by such legislation, not merely because the chief barrier would be removed out of the murderer's way, but from another still more formidable cause. In a republic like ours, in which the largest measure of civil and religious liberty is secured to every man, it is of the utmost importance that the laws by which the people are governed should not only be reasonable and just in themselves, but that they should also be certain in their operation. Just so soon as the popular mind can be persuaded that the retributions of the law are not equal to the enormity of the offence, or that the awards of justice will probably be evaded by the criminal, the people are prompted to take the administration of law out of the hands of the constituted authorities, and to administer it for themselves. Let a feeling of outrage, unredressed, rankle in the breast of the populace, and in a free government there is every reason to apprehend that the whole community will be agitated by outbreaks of popular tumult and violence. It is the freedom of the ocean that makes it so terrible in a storm. If the safeguards of justice be broken down, and carried away, the spirit of revenge will usurp its place, and instead of the calm deliberation of the judicial process by which the true measure of justice is awarded to the transgressor, the guilty will be at the mercy of a phrenzied mob, urged on by tumultuous passion, and a settled determination to secure revenge at any price. The spirit of resistance to law cannot be tolerated by any government that deserves the

name. It will be treated as rebellion; force will be met by force; and a fearful sacrifice of human life may be the consequence. There can be no doubt of the application of this principle to the subject in question. Annul the legal penalty of death for murder, and the friends of the murderer's victim, unless restrained by the power of Divine grace, will take the law into their own hands, and exact life for life. In the wild passion for revenge, suspicion will be deemed a sufficient evidence of guilt, and the blood of the innocent may flow as a vain expiation for the crime of the guilty. Thus the arm of the law is broken, and its authority is enfeebled. Besides, the sympathies of the community will be with the avenger; and though he may have outraged the law, and by that act have become a criminal himself, there will be a strong disposition to screen him from its penalty. Give this spirit of turbulence but a moderate scope, and it will soon widen its sphere. The innocent, as well as the guilty, will be at the mercy of the mob. Lynch law will rule the land; and those who cannot pander to the passions of the lawless, will be in peril of their lives. The abrogation of the law of God is always certain to entail anarchy and social ruin as its result.

The substitution of perpetual imprisonment for the punishment by death, is open to the great objection, that the penalty would be uncertain in its operation. A hundred causes may conspire to give liberty to the criminal. The hope of Providential interpositions, which may easily be imagined, will awaken anticipations in the breast of the culprit, which, whether realized or not, will, to the last, buoy him up with expectation, if not of reprieve, at least of escape. It is argued that it would be more merciful to the soul of

the condemned malefactor, to afford him the indefinite period allotted by the ordinary Providence of God, than to cut short his existence on the gallows—but this plea is contrary to all experience. The murderer has usually, at best, but little conscience. His moral sensibilities are a mere wreck. He has almost no susceptibility. He, of all men, stands in need of some startling appeal to rouse him from his stupor, and make him tremble for his soul. He takes with him into prison the habit of procrastination. Imprisonment for life will only confirm it the more. But let him know that his days are numbered, and that he cannot step beyond the fatal hour in which the law demands his life, and he will feel that he has no time to trifle. He stands upon the threshhold of eternity. He is soon to meet his Judge. If that thought does not wake up the drowsy conscience, then it must sleep on, until startled by the horrors of the second death. Every hearer of the gospel, who has, up to this moment, rejected the claims of religion, knows full well that he would regard the importance of securing the salvation of his soul with far greater earnestness than he does at present, if, instead of listening to the voice of the preacher in the house of God, he were laid upon his death-bed, conscious that a few hours more would close the term of probation. The cell of the condemned murderer possesses greater advantages for communion with God, and for calm reflection upon the truth, which the Holy Spirit employs as the instrument of conversion, than the chamber of sickness and delirium. The malefactor has time and health; and, with all the vigor of a sound mind, he may inquire, “what shall I do to be saved?” This is a boon which he denies to his victim, but which his Maker extends

to him. In the midst of wrath, God remembers mercy.

There is another consideration which is entitled to regard. The murderer who escapes the penalty due to his crime almost invariably repeats it. The Scriptures speak the language of universal experience, when they declare that evil men will wax worse and worse. The very nature of sin requires that it should increase unto more ungodliness. No matter how low its subject may be degraded by vice and crime, there is still a lower deep beneath. The pit of wo is bottomless, because it is parallel with the abyss of sin. The man of blood, whose conscience has been stained, will never hesitate to glut the lust of avarice or revenge, when there is a prospect of concealment. His courage is increased by past impunity; and, reckless of the law, in contemptuous defiance of its penalty, he adds murder to murder. I remember, some two or three years ago, reading in the public papers the account of a judge in one of the Western States, who, before sentencing a criminal to die for murder, reminded him that he was then for the fourth time about to condemn him to the gallows. On three several occasions the officer of the law had consigned him to the murderer's doom, and each time the pardoning power had interferred with a reprieve. Call you this benevolence? Was it mercy to the widows and helpless children whose home was made desolate by the cruelty of this assassin? Shall one family after another be stricken to the earth, and the gray hairs of an aged father or mother be bowed with sorrow, and brought down to the grave, in order to spare a life which can be nourished only with innocent blood? No! The welfare of society—the peace and security of families—the voice of mercy—all unite

their pleadings with the requisition of justice, and cry aloud, "Ye shall take no satisfaction for the life of a murderer that is guilty of death, but he shall be surely put to death." God's laws are all framed in benevolence. The punishment which they award is the severity of mercy consulting the universal weal. The law is intended to be a terror to evil doers. Some men, in the delirium of a disordered fancy, seem to believe that the object of the law is to make transgressors happy; they regard the criminal as more unfortunate than guilty, and then assert their claim to superior benevolence. Be not deceived by this heartless mockery. Under that specious robe the demon of slaughter is lurking. Shall we trust the arch-deceiver, rather than the God of truth? Who is the captain of that host who make war upon the Bible, and mock the power of its author? Who but the great soul-murderer? He is the prime instigator of all the sickly pleading by which he hopes to nullify God's law. His work is summed up "in transgressing and lying against the Lord, speaking oppression and revolt, and uttering from the heart, words of falsehood." He is a liar and a murderer from the beginning. He deceives only that he may destroy. He gilds falsehood with the glitter of *benevolence*, that truth may lie neglected in the street. He thrusts forward a lie that equity may be unable to enter; and when judgment is turned away backward, and justice stands afar off, then the arch hypocrite lifts his mask, and the angel of light stands confessed a fiend of darkness. Oh! it would be sport worthy of the principalities of hell, could they enthroned the Goddess of Reason upon the ruins of Jehovah's sanctuaries, and discard the law of God to make room for the code of infidelity. Remember infidel France! Let it be

recorded as a startling memento, that the wretched Robespierre—the infamous despot who drove thousands upon thousands of his unoffending countrymen, upon the malefactor's hurdle, to the bloody guillotine—the tyrant who turned Paris into a vast slaughter-house, and revelled like a hungry wolf among a herd of timid sheep—aye, ROBESPIERRE himself, was the author of a pamphlet advocating the total abolition of the death punishment! He was an infidel—a man of vast benevolence—a worshipper of the Goddess of Reason! But no sooner had he climbed the giddy pinnacle of power, than he gave the world a proof of the love which an infidel cherishes for his species. The executioner had scarcely time to eat and drink and take his rest, so constant and unremitting were the demands of infidel philanthropy! Such are the tender mercies of men, who profess to be more benevolent than the God of mercy himself! Shall infidelity legislate for us? Shall our laws—shall God's law—be amended to suit the caprice of men, who ask us to believe that they have no souls? Shall we commit the sword of justice to the hands of libertines, who acknowledge no law but the dictates of lust and fury, because, forsooth, they are more merciful than the God of the Bible? It would be illogical and absurd to plead that, because some men who believe in all unbelief have espoused a certain cause, therefore the cause must, of necessity, be essentially bad; but it is neither illogical nor absurd to assert, that whatever theory can marshal in its support the armies of unbelief, stands confessed as the enemy of truth and righteousness:—"For wheresoever the carcase is, there will the eagles be gathered together."

APPENDIX.

By far the greater portion of Mr. Burleigh's book consists of special pleadings and appeals, which are urged on the ground of expediency. These are presented with great force. "Facts" are ingeniously introduced in support of the author's reasoning; and the whole argument is invested with an air of benevolence, which is eminently *ad captandum*. Probably no subject could be named which more readily admits of this kind of defence. The popular mind is easily swayed by appeals to sympathy; and it is by no means difficult to persuade the great multitude to overlook the claims of justice, and undervalue the demands of true benevolence, in favor of a false philanthropy. This is the great instrumentality upon which modern infidelity depends. At the late meeting of the "World's Convention" in New York, one of the speakers is reported as having avowed that the wiser apostles of unbelief did not openly assail the Bible or the Christian creed, but that they propagated their sentiments by advocating the cause of benevolence on infidel principles. Accordingly, we find men who are zealous champions of Temperance, Anti-Slavery, &c. &c., who vociferate boisterously in praise of reformations which are to be effected without the aid of Christianity, and who insidiously boast that they accomplish greater wonders in the cause of moral reform, than the power of the Christian church has ever realized. The advocacy of the abolition of the death penalty is, to a very great extent, if not mainly, in the hands of just such *Reformers*. Mr. Burleigh, however, does not belong to this class. If we may judge from unequivocal expressions in his book, he honors the gospel; for this we honor him; but we regret that so small a portion of his treatise is occupied with the examination of the testimony of the Holy Scriptures on this subject. The plea on the ground of expediency or experience falls worthless, as water spilled on the ground, just so soon as it can be shown that the voice of God has spoken clearly and distinctly in his word,—for it is always expedient to obey the commands of Jehovah;—and that *experience* may

safely be regarded as spurious, which would teach men that the cause of virtue suffers loss in consequence of such obedience. To affirm that experience proves the tendency of a divine law to be evil, is to blaspheme. With Christians, therefore,—and we deal in this discussion only with such,—the whole controversy hinges on the simple question respecting the teachings of Scripture. An attempt has been made in the foregoing pages to present the great principles which enter into the divine law against murder, and to show that the oracles of God, both under the Old and New Testament, harmonize in assigning to the murderer the punishment of death by human hands. The design of this short appendix is merely to meet those popular objections against the scriptural argument, presented in Mr. Burleigh's book, which have not been answered in the course of this discussion.

Mr. Burleigh assumes the ground that the “Scripture argument is limited,” that its “testimony is doubtful,” that “translations vary,” that “shall” is not always imperative; and adduces instances from the sacred records to show that the murderer, even under the Jewish law, was not always put to death. Under the first head, he says, that “this alleged rule of duty” (the capital punishment of the murderer,) “is found, not in any words of Christ or his apostles, nor in any part of what, with strict accuracy, may be called the Christian Scriptures; but in those relating to a dispensation yet earlier even than the Jewish.” He then assumes the ground that “revelation was progressive from the earliest ages to the time of Christ;” a position which, it is presumed, few will be disposed to dispute. But Mr. Burleigh, in this plea, loses sight of one important fact, of which we would remind him. So soon as we have succeeded in proving that the moral law of the Old Testament has authoritatively settled the question of the murderer's punishment, the burden of proof, so far as the New Testament is concerned, is thrown upon the advocates of its abrogation. Christ established the moral law;—he came not to destroy, but to fulfil it; and those who affect to abolish

the least of its commandments, are bound to point us to the chapter and verse in the New Testament in which the statute is annulled. Where has Christ said that the murderer shall not be put to death? Where, and when, have the apostles declared that the law of the Old Testament against murder is not in force under the Christian dispensation? Can the passage be shown? Is it where our Saviour says, “Ye have heard that it hath been said, an eye for an eye, and a tooth for a tooth; but I say unto you, that ye resist not evil?”—A passage which a gentleman of Mr. Burleigh’s information need not be told applies merely to the retaliation of revenge, and not to the administration of justice.

Now, why did not our Saviour quote the whole of the Jewish statute, as we find it in the book of Deuteronomy, (Chap. xix: 21;) “LIFE FOR LIFE, eye for eye, tooth for tooth, hand for hand, foot for foot?” Why does he leave out the most important member of the sentence? If he had intended to abrogate the penalty of death for murder, that was the time to do it: but, instead of numbering murder among injuries which may be forgiven, he quotes merely a part of the Jewish law, sufficient to designate the class of wrongs for which his disciples were not to seek personal revenge. It will not do to say that the *slain* cannot resent the crime by which they have been deprived of life, and that it would, therefore, have been useless and absurd to tell men that they should not resist after they had been killed! The friends of the murdered *might* resent; and Christ does not forbid them to seek redress from the law in that case. They might submit to injustice in the forfeiture of their property—“if any man will sue thee at the law, and take away thy coat, let him have thy cloak also;” they might bear insult with composure—“whosoever shall smite thee on thy right cheek, turn to him the other also;” they might endure the loss of an eye, or of a tooth, without “resisting the evil;” but the destruction of life is a crime which belongs to another class of offences, and, therefore, he says not, *Ye have heard that it hath been said, LIFE FOR LIFE; but I say*

unto you, that ye let the murderer live! No such thing! He leaves the crime of murder where God's law had placed it, and by declining to abrogate, he did most emphatically confirm it. This omission is fatal to the cause against which we plead, and it can be accounted for satisfactorily only on the ground that murder is not a mere personal injury, but an outrage upon society, for which no satisfaction can be taken, other than that which God has prescribed.

It may not be improper to observe, in this connection, that whilst the general principle, which is to actuate Christians in their intercourse with those who despitefully use them, is of universal application, extending to every age, and to every state of society, their conduct, in particular instances, must be regulated by the character of the institutions under which they live. Christ sent forth his disciples as sheep among wolves. In the primitive ages his followers were exposed to injuries for which the law afforded them no redress, inasmuch as a profession of the Christian faith outlawed the believer; and it by no means follows, that what was proper in that age is equally expedient in a Christian land, whose laws are framed upon the basis of divine revelation. Whilst revenge is as contrary to the Spirit of Christ in the nineteenth as it was in the first century of the Christian era, the protection of the law may be sought and claimed against personal wrong in many instances, without a breach of Christian gentleness or forbearance. But, to return.

The divine law against murder is, perhaps, not so confined in its range as Mr. Burleigh supposes. The relation of Judaism to Christianity is certainly not so unimportant as *some men* would persuade us. There are those who affect contempt for the old Israelitish laws, and who speak with wondrous flippancy of the barbarism of the Mosaic code, as if Jehovah's statutes could ever be worthy of such reproach. Many of the Jewish institutions were, it is true, intended to be but temporary; they were designed to prepare the way for a more permanent religious system; and these, of course, were abolished when Christianity was intro-

duced, but they were, nevertheless, all appointed by infinite wisdom; they were institutions adapted by a benevolent and allwise God to the circumstances of human society as they then existed; and the fruit of these "barbarous" laws was seen in the moral elevation of the Jewish people over all the nations of the earth! The principles of common law presented in the Mosaic code have done more to secure the right administration of justice, than all the speculations of the most eminent infidel jurists, whose crude conceptions of morality have ever tormented the mind of man. Intelligent men know that the leading principles of the common law of England and of the United States are borrowed from the Pentateuch. The penalties of the Mosaic code, dreadful as some of them appear, were designed to *deter* men from vice and crime; and had such severity not been requisite, their Author would have devised and ordained other less stringent means. So far as any particular statutes of the Jewish law were interwoven with the ceremonial and political system, they have doubtless been abrogated by the Christian code; but the whole Jewish moral law is as much a part of the Christian system as the doctrine of the atonement itself. Hence, all the statutes against murder, which can be found in the Pentateuch, stand unrepealed, as mere repetitions and modifications of a principle established under the law given to Noah.

The plea of Mr. Burleigh against the common interpretation of the divine condemnation of the man of blood, we will consider presently. Meanwhile, we contend, that the testimony of the Bible on this subject is ample and redundant. The books of the law and of the prophets abound with express denunciations of death against the murderer, and not one of these statutes has been repealed, either by Christ or by any of his apostles. If we are in error, let the abrogation be produced.

But Mr. Burleigh says, the Scripture testimony is *doubtful*, because "translations vary." The objection is intended to apply more particularly to the law given to Noah—"Whoso sheddeth man's blood, by man shall his blood be shed." This text is regarded by

Dr. Cheever as “the citadel of our argument, commanding and sweeping the whole subject.” That it formed the basis of the Mosaic law against murder is undeniably; and inasmuch as it was enacted immediately after the deluge, it is beyond the reach of the common cavils against the Jewish legislation; but, whilst it occupies a most important position in the Bible argument, we are not disposed to acknowledge that it is the citadel which commands and sweeps the whole subject. The divine law against murder does not depend entirely upon the stability of that bulwark. We are not, however, alarmed for its safety; on the contrary, all that we have ever heard or read only confirms the truth of the obvious interpretation given in our common version. Mr. Burleigh quotes some ten or twelve different authorities for differing from the common explanation; but the construction which is given to the entire sense of the passage, by adopting the view which he proposes, is so forced and unnatural, that the aid of very strong prejudice will be requisite before it can be received. Besides, if the interpretation is to be decided by authority, we might adduce an overwhelming array of names in support of the common acceptance. Those who differ from it, and whose opinion carries weight, are exceptions from the general rule. In the Hebrew, the form of the future indicative corresponds with the imperative, hence the objection is started, that the words, “Whoso sheddeth man’s blood, by man shall his blood be shed,” may imply a declaration of the general consequence of blood shed, quite as readily as an imperative precept enjoining the punishment of the murderer.

Precisely parallel to the Hebrew form, is the use of the word “shall” in English. Mr. Burleigh reminds us that “shall” is not always imperative, and yet, we believe, the cases are rare, in which the interpretation of the term may not be entrusted, without argument, to the common sense of the reader. If we wish to ascertain whether the indicative or the imperative sense is to be attached to the word “shall,” a glance at the context, or a view of the circumstances attending its use, will

enable a very ordinary understanding to arrive at its full import. Let us apply this rule to the case before us; and, in order to bring it fairly before the reader, we will quote the context in which the disputed passage stands.

"And God blessed Noah and his sons, and said unto them, Be fruitful, and multiply, and replenish the earth. And the fear of you, and the dread of you, shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth, and upon all the fishes of the sea; into your hand are they delivered. Every moving thing that liveth shall be meat for you, even as the green herb have I given you all things; But flesh, with the life thereof, which is the blood thereof, shall ye not eat. And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made he man." —(Gen. ix: 1—6.)

This is the scope of the passage, and we might leave the decision of its meaning to the unbiassed judgment of every reader, were it not that prejudice has endeavored to throw a mist around it; for, in truth, the text will bear but one interpretation, unless it is forced out of its connection. What were the circumstances? Is it not evident that Jehovah was giving a law to Noah? How jejune is the entire quotation, if it be regarded merely as a prediction! Mr. Burleigh quotes the words "Every living thing that moveth shall be meat for you;" and then asks, "Are we bidden to devour all manner of beasts?" By this sarcastic question, he, in fact, establishes the position already assumed, that common sense will determine the import of the word "shall," when used in plain Anglo-Saxon. And even in those very words Jehovah was expressing a law, just as in the preceding verse he had declared it to be his pleasure that the beasts of the earth should be subject to man. But, why is it that a dialectician so keen as Mr. Burleigh is, omits the passage immediately preceding the text in dispute? "Surely your blood of

your lives will I require; at the hand of every beast will I require it, and at the hand of man; at the hand of every man's brother will I require the life of man. Whoso sheddeth man's blood, by man shall his blood be shed, for in the image of God made he man." In the Hebrew idiom, to require an offence at the hand of a man, is to punish him for that offence, or to hold him accountable for it. Thus, when Jacob hesitated to send Benjamin with his brethren, Judah said to his father, "Send the lad with me, * * I will be surely for him; *of my hand shalt thou require him*; if I bring him not unto thee, and set him before thee, then let me bear the blame for ever."—(Gen. xliii. 9) In other words, *I will be accountable*. Again, the Lord says, (Deut. xviii: 19,) "Whosoever shall not hearken to my words, I will require it of him;" meaning, evidently, *I will punish him*.

In 2 Samuel, iv, we have a case precisely in point. Rechab and Baanah murdered Ish-bosheth, the son of Jonathan, in his bed. The cowardly murderers brought the head of their victim to David, hoping to receive a reward, or at least the royal approbation for their treachery; but David indignantly rebuked the wicked men who had "slain a righteous person in his own house, upon his bed," and said: "Shall I not, therefore, now require *his blood of your hand*, and take you away from the earth?" And David commanded his young men, and they slew them, and cut off their hands and their feet, and hanged them up over the pool in Hebron. Let these examples suffice to settle the meaning of the phrase, although the reader who is so disposed may consult Gen. xlii: 22; 2 Chron. xxiv: 22; 1 Sam. xx: 16, &c.

With this interpretation secured in our minds, let us apply the rule to the passage in the law given to Noah: "And surely your blood of your lives will I require; at the hand of every beast will I require it, and at the hand of every man's brother will I require the life of man." Stripped of the Hebraism, this means—*The shedding of your life's blood shall surely not pass unnoticed by me. I will hold every beast*

accountable that destroys human life, and I will hold every man accountable who takes the life of his fellow-man. Then Jehovah proceeds to show how murder is to be punished, and assigns the reason for the statute. “**WHOSO SHEDDETH MAN’S BLOOD BY MAN SHALL HIS BLOOD BE SHED.**” Why? “*For in the image of God made he man.*”

The murderous beast and the murderous man were alike to be held accountable for the life which they had sacrificed; and man was authorized and commanded to shed their blood. This combination settles the question beyond the possibility even of a plausible quibble, for it will hardly be contended that the murderous beast is to be left to the scourge of an accusing conscience, or to the judgment of the great day. If we are asked, would you condemn a beast to die for murder? we answer, assuredly, because the life of a man is worth more than that of a beast, and humanity requires that life so precious should not be left at the mercy of a vicious animal; and we retort upon the querist with the argumentum a fortiori, that if a beast, which has no other guide but instinct, must be destroyed from motives of human precaution, how much more ought man, endowed with reason, be punished with death, when he has imbrued his hands in innocent blood. Enough, we believe, has been said to settle the meaning of the law given to Noah. To our mind it seems so plain, that farther comment is useless; and, as we have notoriously but little faith in works of supererogation, we shall dismiss the subject.

Mr. Burleigh holds us strictly to the “consequences of the mandatory construction” of the passage which we have just explained. He argues that “it forbids the pardon of a murderer under any circumstances.” Then he asks, “What think you of David’s case?—Of Paul’s?” We think they are not cases in point, and if they were, they would not affect the merits of the question. Supposing it to be proved that David and Paul were guilty of murder, and could have been convicted of it before the judicial tribunals of their day, the fact that they were not punished with death

does not prove that they were not justly amenable to that penalty, much less that the murderer should never be deprived of life by human hands.

We admit that David was guilty of murder in the sight of God. We deny that the Jewish law was competent to try or to convict him. What were the facts in his case? He sent an order to Joab to place Uriah the Hittite, the husband of Bathsheba, in the hottest of the battle, intending by this means to compass the death of that brave man. The treachery was successful. But David was a despotic king. He held the power of the life and death of his subjects in his hand by his right as a sovereign, hence he was not amenable to the political law, for he had committed no offence against that. The moral law he had shamefully transgressed, and Jehovah held him accountable for the crime. Mr. Burleigh is greatly in error, when he supposes that Jehovah passed over David's offence without retribution. True, the sentence was not executed immediately. God often visits the sins of the fathers upon the children, to the third and fourth generation. He did so in this instance. When David cried out, after he had been convicted by the prophet Nathan, "I have sinned against the Lord," Nathan said—"The Lord also hath put away thy sin; *thou shalt not surely die!*" But he had already announced to the royal sinner the righteous sentence of Jehovah—"Wherefore hast thou despised the commandment of the Lord, to do evil in his sight? Thou hast killed Uriah the Hittite with the sword, and hast taken his wife to be thy wife, and hast slain him with the sword of the children of Ammon. Now, therefore, the sword SHALL NOT DEPART FROM THINE HOUSE; because thou hast despised me, and hast taken the wife of Uriah the Hittite to be thy wife. (See 2 Sam. xii: 9—13.)

From this it is manifest that Jehovah required blood for blood, even in this case. The matter was not cognizant by any human tribunal, and he took it into his own hands. If he saw fit to spare David's life, who art thou, O man! that repliest against God? Does it follow, that because Jehovah spared the life of

David, therefore men have a right to disobey God's law, and let the murderer live? Are they to assume the Lord's prerogative? His province is to command, and to act according to the counsel of his own will: our duty is to obey and execute his laws. Had Mr. Burleigh not failed to discriminate between the Jewish theocracy and the Jewish monarchy, the case of David would never have been cited as one in point. The introduction of the royal authority in Israel substituted the king as the political head of the nation, in place of Jehovah, and gave the monarch unlimited control over the lives of his subjects. The king, therefore, was above the political law, and was accountable to none but God. The Lord was displeased with the demand, "make us a king to judge us like all the nations." He said to Samuel, his prophet, "they have not rejected thee, but they have rejected me, that I should not reign over them;" and he proceeds, then, to tell them the *manner of the king* "that should reign over them." (See 1 Sam. viii.) The case of David is, therefore, plainly irrelevant.

Just as little force is there in the allusion to Saul of Tarsus. It is said, Paul was a murderer, and yet he was not put to death! But how will Mr. Burleigh convict Saul of Tarsus of this crime? By what law is he to be tried? By the law of Moses. But he was acting under the authority of that very law in his proceedings against the followers of Jesus of Nazareth. He consented to the death of the martyr Stephen, and held the clothes of those who stoned him; but *the rulers of the Jews* had condemned Stephen to be stoned for blasphemy—unjustly we admit;—but Saul verily thought he was doing God service, when he held the raiment of the fanatics who slew that holy martyr. There was no political tribunal to which those who murdered Stephen were amenable. They acted under the authority of the law of Moses, which condemned the blasphemer to be stoned to death. In their mad fanaticism, they blindly mistook Stephen's holy fervor for blasphemy, and he was slain, as his Master had been before him; and, like his Lord, his

dying breath was spent in praying for his murderers. God held them accountable for their judicial cruelty; and to God Saul of Tarsus was amenable—not to man. The Lord Jesus appeared to the persecutor of his brethren in a vision. Saul, the cruel emissary of a bigoted priesthood, became the meek and lowly sufferer Paul, the apostle and servant of him whose faith he had formerly destroyed. Who does not see that there is a wide discrepancy between the case of Saul of Tarsus, acting as the agent of a law, under which he verily believed the Jew converted to the faith of Christ was a blasphemer, and that of a man who deliberately imbrues his hands in the blood of his brother, urged on by the lust of gain or revenge? If Jehovah interposes in behalf of the one, and convinces him that his zeal for the law, however honest, was blind, he therein again exercises his right as a sovereign, and no one who examines the case will construe it into a warrant for the abrogation of the law which God has given to men, and which he requires them to execute. We will admit that when a prophet, divinely commissioned, and proving his commission by infallible evidence, appears before our criminal court, and, in the name and power of Jehovah, announces that a murderer's sentence is remitted, the case will be somewhat more like that of David, though still not parallel; and whenever an offender, such as Saul of Tarsus, can be produced in our day, to whom the Lord has vouchsafed similar experience, there will be some virtue in appealing to the histories of David and Paul. Till then, we shall regard them as utterly irrelevant, and we have little doubt the reader will be of the same opinion.

But there is "humble Jacob Hodges," who "was allowed to expiate his crime by a life of active goodness, far better than he could have done it by a violent death." Mr. Burleigh asks, "Will they say it was wrong to spare his life?" Before we answer that question we will just remark, that if Jacob Hodges believed that he could *expiate his crime* by any subsequent "goodness," he deserved the name of Pharisee, rather than the title of "humble." The blood of Jesus

Christ cleanses from sin, not the "active goodness" even of *humble Jacob Hodges*. The life of this man was spared in accordance with the law of the land, which, in some cases, pardons a criminal who becomes State's evidence. We pretend not to any great skill in settling cases of conscience. It is not for us to decide whether that law is just or not, but we may express a modest opinion, since it is asked. We say, then, we can find no warrant in the divine law against murder for any such immunity, and we are free to avow the apprehension that the provision is one of doubtful equity. We incline, therefore, to the opinion, viewing the case comprehensively as a matter of principle, that Jacob Hodges should have been put to death. Let not our benevolent friend exclaim against us. We have no malice in our heart against that poor negro. He is dead. We shall not be charged, therefore, with thirsting for his blood. Neither do we question the reality of his conversion; but we look at the case as involving a principle. If we were quite sure that all who "turn State's Evidence" would live and die as Jacob Hodges did, the matter would present a different aspect; but very few, we fear, can be found, whose history in similar circumstances would resemble that of this penitent criminal. Where one reprieved murderer can be named, who has in some measure retrieved his character, ten may be found whose appetite for blood has been sharpened by past impunity, and whose lives have been twice and even thrice forfeited. The plea which rests upon Jacob Hodges as its foundation, is not very substantial. It amounts to this—that we ought in every case to permit the murderer to escape all punishment, (for Jacob was not even imprisoned,) because that criminal subsequently lived a virtuous life! A startling argument, and one which we deem scarcely deserving of a labored refutation.

Mr. Burleigh contends, that "the power of temporary reprieve" must also be denied by those who plead God's law against the murderer, and that consistency requires his immediate execution, because, if the criminal should die in the meantime, the command,

"by man shall his blood be shed," will be frustrated. To this we reply, that whenever a providential interpolation precludes practical obedience, the Almighty is satisfied with the disposition to obey. "It is well that it was in thine heart." God does not require impossibilities.

Again, our author argues that the command in the law given to Noah is unlimited, and that, therefore, the murderer's executioner must be slain, and so on, *ad infinitum*. Mr. Burleigh is serious in this objection, if we may judge from the style in which he writes. This is precisely on a par with the reasoning of those who argue that the life of the murderer should be spared, because God has said, "thou shalt not kill," although the meaning of that precept is sufficiently defined by the statute which requires that *the murderer shall surely be put to death*, and is, therefore, evidently restricted to the destruction of life by lawless violence. Just as if God would command men to shed the blood of the murderer, and then count them murderers for obeying his commands! The Lord has sufficiently guarded his precepts against all danger of misapprehension from such cavils by endowing men with reason.

Mr. Burleigh contends that the killing of the murderer violates God's image, and impairs our sense of the sanctity of life, just as certainly as the crime of the murderer. Strange, then, that Jehovah has decided to the contrary. He has taught us that the shedding of the murderer's blood, by the sword of justice, is designed to vindicate the sanctity of life. Much as we may be disposed to respect Mr. Burleigh's opinion, we cannot hesitate to differ from him when he affects to be wise above what is written.

Other objections, which our author urges, have already been answered in the course of this discussion, and we therefore take leave of him, with assurances of sincere respect for his ability as a writer and his character as a man, but with corresponding regret that he should occupy, in relation to this subject, a position which we are thoroughly persuaded is contrary to the divine law against murder.



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